

STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH AND ADDICTION SERVICES  
BUREAU OF HEALTH SYSTEM REGULATION  
DIVISION OF MEDICAL QUALITY ASSURANCE

In re: Leonard Vigliatore, R.P.T.

Petition No. 940708-14-004

CONSENT ORDER

WHEREAS, Leonard Vigliatore, R.P.T., of Farmingdale, New York, has been issued license number 004812 to practice physical therapy by the Department of Public Health and Addiction Services (hereinafter "the Department") pursuant to Chapter 376 of the General Statutes of Connecticut, as amended; and,

WHEREAS, on or about October 20, 1989, the New York State Board of Regents entered an Order (a copy of which is attached hereto marked as Attachment "A" and incorporated herein by this reference) imposing professional discipline against the New York physical therapy license of Leonard J. Vigliatore (hereinafter "respondent") based upon respondent's admission that he engaged in improper billing. Such discipline consisted of a two (2) year stayed suspension of his physical therapy license, and a concurrent two (2) year probationary period in which he is required to pay a \$5,000.00 civil penalty within six months of the effective date of the Order, perform 100 hours of public service within 22 months of the effective date of the Order, and make quarterly visits to an employee of the Office of Professional Discipline, New York State Education Department to monitor respondent's compliance with the terms of his probation.

WHEREAS, the Department has received a copy of said Order of the New York State Board of Regents, and has instituted an investigation concerning respondent's license based solely upon the facts admitted by respondent in the course of the New York proceeding; and,

WHEREAS, respondent hereby stipulates and agrees as follows:

1. Leonard J. Vigliatore, R.P.T. hereby admits the facts set forth in Exhibit A entitled, "Leonard J. Vigliatore, Specification of Professional Misconduct," attached to the Department's Attachment "A", entitled "Application for Consent Order In the Matter of the Disciplinary Proceeding against Leonard J. Vigliatore" which formed the basis for New York's disciplinary action against him.
2. By his conduct as set forth in paragraph 1 above, respondent has violated the provisions of §20-73a of the Connecticut General Statutes by failing to conform to the accepted standards of his profession; and,
3. Respondent is not presently practicing physical therapy in Connecticut.

NOW THEREFORE, pursuant to §19a-17 and §20-73a of the General Statutes of Connecticut, Leonard J. Vigliatore, R.P.T. hereby stipulates and agrees to the following:

1. Respondent hereby waives his right to a hearing on the merits of this matter.
2. In the event respondent fully complies with the terms and conditions of his probation imposed by the New York disciplinary board, successfully completes his probation in that state, and obtains licensure in New York which is no longer subject to probation before beginning practice in Connecticut, his license number 004812 to practice physical therapy in Connecticut is hereby placed on probation for a period of six (6) months from the date he commences practicing in this state.
3. In the event respondent begins practice in Connecticut before he has fully complied with the terms and conditions of his New York probation, successfully completed that probation, and/or obtained licensure in New York which is not subject to probation, the term of his probation in Connecticut shall be six (6)

months, plus the unexpired term of the New York probation as well as any unfulfilled community service requirements.

4. Respondent's Connecticut probation shall be subject to the following terms and conditions:

- A. Respondent shall submit written notification to the Department of any change in his employment and/or home address, and of his commencement of the practice of physical therapy in Connecticut within fifteen (15) days of any such change or event.
- B. If respondent practices physical therapy in the State of Connecticut he shall obtain, at his own expense, the services of a supervising physical therapist certified in Connecticut, and approved by the Department.
- C. Respondent shall provide the supervising physical therapist referenced in paragraph 4B above and all employers with copies of this Order and of the Order of the New York licensing authority.
- D. Said supervising physical therapist shall furnish the Department with written confirmation of his or her engagement to act in that capacity, and receipt of the Orders referenced to in paragraph 4C above, within thirty (30) days of respondent's commencement of practice in Connecticut.
- E. Said supervising physical therapist shall monitor respondent's billing practices by conducting a quarterly review of no less than twenty (20) of respondent's patient records, including billing records, randomly selected by the supervising physical therapist. If respondent has twenty or fewer patients, the supervising physical therapist shall review all of respondent's patients' records on a quarterly basis.
- F. Respondent's supervising physical therapist shall submit quarterly written reports to the Department addressing respondent's billing practices and respondent's ability to practice physical therapy with reasonable skill and safety.

G. Notwithstanding the supervising physical therapist's quarterly reporting responsibility, he or she shall immediately report any conduct or activity on respondent's part which is or may be a deviation from the standards of care for respondent's profession or which do or may indicate that respondent is unable to practice physical therapy with reasonable skill and safety.

H. In the event respondent commences practice in Connecticut without first completing the community service requirement of the New York Order, respondent shall perform 100 hours of community services in the State of Connecticut, to be pre-approved by the Department.

5. The period of probation provided for in this Consent Order shall become effective on the date respondent begins practicing physical therapy in Connecticut.

6. Respondent shall fully comply with all state and federal statutes and regulations applicable to his license.

7. Violation of any of the terms of the New York Order shall be deemed a violation of this Consent Order.

8. Respondent understands that this Consent Order may be considered as evidence of the above-admitted violations in any proceeding before the Connecticut State Board of Examiners for Physical Therapists (hereinafter "the Board") (1) in which his compliance with this same order is at issue, or (2) in which his compliance with §20-73a of the General Statutes of Connecticut, as amended, is at issue.

9. That, in the event respondent violates a term of this Consent Agreement, he agrees immediately to refrain from practice as a physical therapist, upon request by the Department for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in any

investigation of the violation, and to submit to and complete a medical, psychiatric or psychological evaluation, if requested to do so by the Department; and, that the results of the evaluation shall be submitted directly to the Department. Respondent further agrees that failure to cooperate with the Department during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's certification. In any such summary action, respondent stipulates that his failure to cooperate with the Department shall, as a matter of law, constitute a clear and immediate danger as required pursuant to Connecticut General Statutes §4-182(c) and §19a-17(c).

10. That, in the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of his license before the Board.
11. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Consent Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any other rights that he may have under the laws of the State of Connecticut or of the United States.
12. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
13. Respondent hereby authorizes a representative of the Public Health Hearing Office of the Division of Medical Quality Assurance of the Department to present this Consent Order and the factual basis for said Consent Order to the Board. He understands that said Board has complete and final discretion as to whether or not an executed Consent Order is approved or granted.

13. All reports required by the terms of this Order, and all correspondence shall be addressed to:

Giovanni DiPaolo, Special Investigator  
Department of Public Health and Addiction Services  
Public Health Hearing Office  
150 Washington Street  
Hartford, CT 06106

14. Respondent understands that he has the right to consult with an attorney prior to signing this document.
15. Respondent understands that this Consent Order is a matter of public record.

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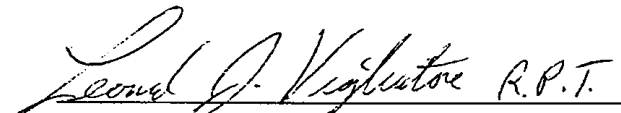
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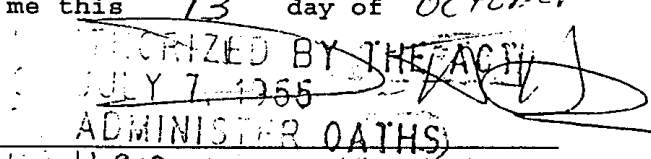
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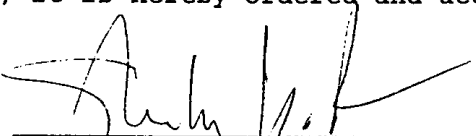
I, Leonard J. Vigliatore, R.P.T., have read the above Consent Order, and I agree to the terms and allegations set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

  
Leonard J. Vigliatore, R.P.T.


Subscribed and sworn to before me this 13 day of October 1994.

  
Notary U.S.G. or person authorized  
by law to administer an oath or  
affirmation

The above Consent Agreement having been presented to the duly appointed agent of the Commissioner of Public Health and Addiction Services on the 21<sup>st</sup> day of October 1994, it is hereby ordered and accepted.

  
Stanley K. Peck, Director  
Division of Medical Quality Assurance

The above Consent Order having been presented to the duly appointed agent of the Connecticut State Board of Examiners for Physical Therapists on the 7<sup>th</sup> day of December 1994, it is hereby ordered and accepted.

  
Connecticut State Board of Examiners for Physical Therapists

ATTACHMENT "A"

NEW YORK STATE EDUCATION DEPARTMENT  
OFFICE OF PROFESSIONAL DISCIPLINE  
STATE BOARD FOR PHYSICAL THERAPY  
-----X

IN THE MATTER

of the

Disciplinary Proceeding

against

LEONARD J. VIGLIATORE

APPLICATION FOR  
CONSENT ORDER

CAL. NO. 9964

who is currently licensed to practice  
as a physical therapist in the State  
of New York.  
-----X

STATE OF NEW YORK )

COUNTY OF *NASSAU* )

ss:

LEONARD J. VIGLIATORE, being duly sworn, deposes and says:

That on or about September 3, 1976 I was licensed to practice as a physical therapist in the State of New York, having been issued license No. 005011 by the New York State Education Department.

I am currently registered with the New York State Education Department to practice as a physical therapist in the State of New York from an address at: 76 Rockledge Path, Port Jefferson, New York 11777-1450.

That I have been charged with one (1) specification of professional misconduct, a copy of which is annexed hereto, made a part hereof, and marked as Exhibit "A".

I admit guilt to the aforementioned specification of professional misconduct.



LEONARD J. VIGLIATORE

I hereby agree to the penalty that my license to practice as a physical therapist in the State of New York be suspended for two (2) years; that execution of said suspension be stayed; that I be placed on probation for two (2) years under the terms set forth in the exhibit annexed hereto, made a part hereof and marked as Exhibit "B"; that I be fined the sum of five thousand dollars .(\$5,000.00), said fine to be paid as set forth in said terms of probation; and that I be required to perform one hundred hours of public service in the manner set forth in said terms of probation.

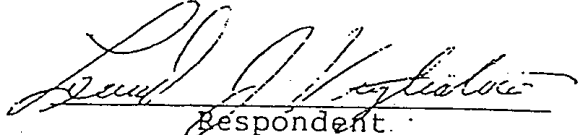
I hereby make this application to the Board of Regents and request that it be granted.

I understand that in the event that the Board of Regents denies the application, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me. Such application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the disciplinary proceeding, and such denial by the Board of Regents shall be without prejudice to the continuance of the disciplinary proceeding and the final determination by the Board of Regents pursuant to the provisions of the Education Law.

I agree that in the event the Board of Regents grants my application, as set forth herein, an Order of the Commissioner of Education may be issued in accordance with the same.

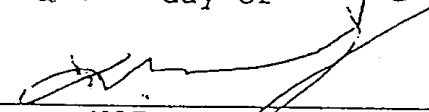
LEONARD J. VIGLIATORE

No promises of any kind were made to me. I am making this application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

  
Respondent.

Sworn to before me this

29 day of August, 1989

  
NOTARY PUBLIC

DANIEL S. KOMANSKY  
NOTARY PUBLIC, State of New York  
No. 4787421  
Qualified in Nassau County  
Term Expires March 30, 19.....  
July 31, 1991

EXHIBIT "A"

LEONARD J. VIGLIATORE

SPECIFICATION OF PROFESSIONAL MISCONDUCT

Respondent is charged with practicing the profession of physical therapy fraudulently within the purview and meaning of Section 6509(2) of the Education Law of the State of New York, in that:

(1) In 1988, Respondent, with intent to defraud, wilfully submitted to Allstate Insurance Company claim forms in which Respondent certified that he had rendered physical therapy to patient A.O. on various occasions between January 11, 1988 and April 28, 1988, when, in truth and in fact, and as Respondent well knew, Respondent had not rendered physical therapy to said patient at any time between January 11, 1988 and April 28, 1988.

(2) In furtherance of his effort to defraud Allstate Insurance Company, as hereinbefore stated, Respondent:

A. altered patient A.O.'s treatment records to falsely indicate that patient A.O. had received physical therapy treatment between January 11, 1988 and April 28, 1988; and

B. altered the date on a prescription for physical therapy for patient A.O. written by Glenn D. Arvan, M.D., without the knowledge or consent of the prescriber.

EXHIBIT "B"

TERMS OF PROBATION

LEONARD J. VIGLIATORE

1. That Respondent, during the period of probation, shall act in all ways in a manner befitting Respondent's professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by Respondent's profession;
2. That Respondent shall submit written notification to the New York State Education Department, addressed to the Executive Director, Office of Professional Discipline, New York State Education Department, 622 Third Avenue, New York, NY 10017-6756, of any employment and/or practice, Respondent's residence, telephone number, or mailing address, of any change in Respondent's employment, practice, residence, telephone number, or mailing address, within or without the State of New York;
3. That Respondent shall pay the \$5,000.00 fine imposed upon Respondent, by certified or bank cashier's check, made payable to the order of the New York State Education Department, to be delivered to the Executive Director, Office of Professional Discipline, as aforesaid, no later than six (6) months after the effective date of the service of the Order of the Commissioner of Education to be issued in this matter;
4. That Respondent shall, within the first 22 months of the period of probation, perform 100 hours of public service to be selected by Respondent and previously approved, in writing, by the Department and Respondent shall submit satisfactory proof of performing such public service, within 30 days after the completion thereof, to the Executive Director, Office of Professional Discipline, addressed as above;
5. That Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the NYSED, addressed to the Executive Director, Office of Professional Discipline, as aforesaid, no later than the first three months of the period of probation;
6. That Respondent shall submit written proof to the NYSED, addressed to the Executive Director, Office of Professional Discipline, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;

LEONARD J. VIGLIATORE

7. That Respondent shall make quarterly visits to an employee of the Office of Professional Discipline, New York State Education Department, unless otherwise agreed to by said employee, for the purpose of said employee monitoring Respondent's terms of probation to assure compliance therewith, and Respondent shall cooperate with said employee, including the submission of information requested by said employee, regarding the aforesaid monitoring;
8. That so long as the stay of execution is in effect, Respondent may continue to practice Respondent's aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with or any other violation of any of the aforementioned terms of probation, the New York State Education Department may initiate a violation of probation proceeding and/or such other proceedings pursuant to the Education Law and the Rules of the Board of Regents.

NEW YORK STATE EDUCATION DEPARTMENT  
OFFICE OF PROFESSIONAL DISCIPLINE  
STATE BOARD FOR PHYSICAL THERAPY

-X

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LEONARD J. VIGLIATORE

APPLICATION FOR  
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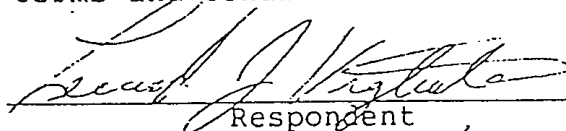
CAL. NO. 9964

who is currently licensed to practice  
as a physical therapist in the State  
of New York.

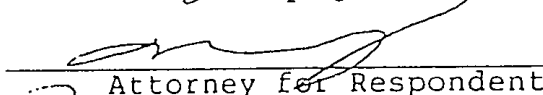
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The undersigned agree to the above statement and to the  
proposed penalty based on the terms and conditions thereof.

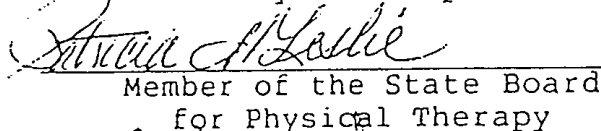
Dated: August 29 , 1989

  
Respondent

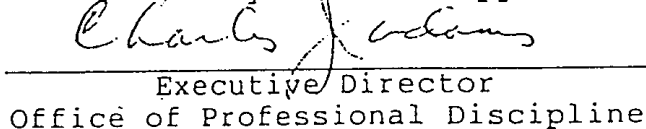
Dated: August 29 , 1989

  
Attorney for Respondent

Dated: September 7 , 1989

  
Member of the State Board  
for Physical Therapy

Dated: September 13<sup>th</sup> , 1989

  
Executive Director  
Office of Professional Discipline

The undersigned, a member of the Board of Regents who has  
been designated by the Chairman of the Regents Committee on  
Professional Practice to review this Application for a Consent  
Order, has reviewed said Application and recommends to the Board  
of Regents that the Application be granted.

Dated: Sept. 14 , 1989

  
Member, Board of Regents

SBT:mv

LEONARD J. VIGLIATORE (9964)

IN WITNESS WHEREOF, I, Thomas Sobol,  
Commissioner of Education of the State of  
New York, for and on behalf of the State  
Education Department and the Board of  
Regents, do hereunto set my hand and affix  
the seal of the State Education Department,  
at the City of Albany, this 20<sup>th</sup> day of  
*October* 1989.

*Thomas Sobol*  
Commissioner of Education